

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOSEFINA GUERRERO

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

NO. CV-11-3100-JPH

ORDER ADOPTING REPORT
AND RECOMMENDATION

Magistrate Judge Hutton entered a Report and Recommendation on December 20, 2012, recommending Plaintiff's Motion for Summary Judgment be granted and Defendant's Motion for Summary Judgment be denied. (ECF No. 26.) No objection was filed. Therefore, the court **ADOPTS** the Report and Recommendation. Accordingly,

IT IS ORDERED:

1. Plaintiff's Motion for Summary Judgment (**Ct. Rec. 21**) is **GRANTED**. The matter is remanded to the Commissioner for additional proceedings pursuant to sentence four 42 U.S.C. 405(g).

2. Defendant's Motion for Summary Judgment (**Ct. Rec. 23**) is **DENIED**.

3. An application for attorney fees may be filed by separate motion.

The District Court Executive is directed to file this Order and provide a copy to counsel for Plaintiff and Defendant. Judgment shall be entered for Plaintiff and the file shall be **CLOSED**.

DATED this 7th day of January, 2013.

s/Lonny R. Suko

LONNY R. SUKO
United States District Judge